

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1729

Introduced by Assembly Member Waldron

January 28, 2016

An act to amend Section ~~12012.85~~ 19817 of the ~~Government~~ *Business and Professions Code*, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

AB 1729, as amended, Waldron. ~~Tribal gaming: regulatory costs. Gaming Policy Advisory Committee.~~

Existing law, the Gambling Control Act, provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. Existing law requires the commission to establish a 10-member Gaming Policy Advisory Committee for the purpose of discussing matters of controlled gambling regulatory policy and other relevant gambling-related issues. The committee is composed of representatives of controlled gambling licensees and members of the general public in equal numbers.

This bill would increase the membership of the committee from 10 to 12 members.

~~Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature.~~

Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes. Existing law creates in the State Treasury the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of gaming compacts entered into with the state. Existing law authorizes moneys in that fund to be used for certain purposes, including compensation for regulatory costs incurred in connection with implementing and administering tribal-state gaming compacts.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19817 of the Business and Professions
2 Code is amended to read:

3 19817. The commission shall establish and appoint a Gaming
4 Policy Advisory Committee of ~~40~~ 12 members. The committee
5 shall be composed of representatives of controlled gambling
6 licensees and members of the general public in equal numbers.
7 The executive director shall, from time to time, convene the
8 committee for the purpose of discussing matters of controlled
9 gambling regulatory policy and any other relevant gambling-related
10 issue. The recommendations concerning gambling policy made
11 by the committee shall be presented to the commission, but shall
12 be deemed advisory and not binding on the commission in the
13 performance of its duties or functions. The committee ~~may~~ shall
14 not advise the commission on Indian gaming.

15 SECTION 1. ~~Section 12012.85 of the Government Code is~~
16 ~~amended to read:~~

17 ~~12012.85. There is hereby created in the State Treasury a fund~~
18 ~~called the "Indian Gaming Special Distribution Fund" for the~~
19 ~~receipt and deposit of moneys received by the state from Indian~~
20 ~~tribes pursuant to the terms of tribal-state gaming compacts. These~~
21 ~~moneys shall be available for appropriation by the Legislature for~~
22 ~~the following purposes:~~

23 ~~(a) Grants, including any administrative costs, for programs~~
24 ~~designed to address gambling addiction.~~

1 ~~(b) Grants, including any administrative costs, for the support~~
2 ~~of state and local government agencies impacted by tribal~~
3 ~~government gaming.~~

4 ~~(c) Compensation for regulatory costs incurred by the State~~
5 ~~Gaming Agency and the Department of Justice in connection with~~
6 ~~implementing and administering tribal-state gaming compacts.~~

7 ~~(d) Payment of shortfalls that may occur in the Indian Gaming~~
8 ~~Revenue Sharing Trust Fund. This shall be the priority use of~~
9 ~~moneys in the Indian Gaming Special Distribution Fund.~~

10 ~~(e) Disbursements for the purpose of implementing the terms~~
11 ~~of tribal labor relations ordinances promulgated in accordance with~~
12 ~~the terms of tribal-state gaming compacts ratified pursuant to~~
13 ~~Chapter 874 of the Statutes of 1999. No more than 10 percent of~~
14 ~~the funds appropriated in the Budget Act of 2000 for~~
15 ~~implementation of tribal labor relations ordinances promulgated~~
16 ~~in accordance with those compacts shall be expended in the~~
17 ~~selection of the Tribal Labor Panel. The Department of Human~~
18 ~~Resources shall consult with and seek input from the parties prior~~
19 ~~to any expenditure for purposes of selecting the Tribal Labor Panel.~~
20 ~~Other than the cost of selecting the Tribal Labor Panel, there shall~~
21 ~~be no further disbursements until the Tribal Labor Panel, which~~
22 ~~is selected by mutual agreement of the parties, is in place.~~

23 ~~(f) Any other purpose specified by law.~~

24 ~~(g) Priority for funding from the Indian Gaming Special~~
25 ~~Distribution Fund is in the following descending order:~~

26 ~~(1) An appropriation to the Indian Gaming Revenue Sharing~~
27 ~~Trust Fund in an aggregate amount sufficient to make payments~~
28 ~~of any shortfalls that may occur in the Indian Gaming Revenue~~
29 ~~Sharing Trust Fund.~~

30 ~~(2) An appropriation to the Office of Problem and Pathological~~
31 ~~Gambling within the State Department of Public Health for~~
32 ~~problem gambling prevention programs.~~

33 ~~(3) The amount appropriated in the annual Budget Act for~~
34 ~~allocation between the Department of Justice and the California~~
35 ~~Gambling Control Commission for regulatory functions that~~
36 ~~directly relates to Indian gaming.~~

37 ~~(4) An appropriation for the support of local government~~
38 ~~agencies impacted by tribal gaming.~~

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